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### **ORDINANCE NO. 2221-5-130**

AN ORDINANCE TO AMEND SECTIONS 5.46.010(2), (3), (3f), (3g) AND 5.46.020(a), (c), (d), (e) OF CHAPTER 5.46 OF TITLE 5 OF ORDINANCE IN REVISION NO. 850, COMMONLY KNOWN AS THE MUNICIPAL CODE OF THE CITY OF HURON, SOUTH DAKOTA, PERTAINING TO BUSINESS LICENSES AND REGULATIONS – ISSUANCE OF SPECIAL LICENSES AND SPECIAL PERMIT FOR ALCOHOLIC BEVERAGE CONSUMPTION ON PUBLIC PROPERTY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF HURON, SOUTH DAKOTA:

That Sections 5.46.010(2), (3), (3f), (3g) and 5.46.020(a), (c), (d), (e) of Chapter 5.46 of Title 5 of Ordinance in Revision No. 850 be amended to read as follows:

#### **5.46.010 - Issuance of special licenses.**

- (2) There shall be a special license fee of fifty dollars (\$50.00) for each day. Any license issued pursuant to this section may be issued for a period of time established by the city commission, however, such period may not exceed fifteen (15) consecutive days, with each day expiring at twelve midnight.
- (3) The city commission shall have sole discretion to approve or disapprove the application, depending on whether it deems the applicant to hold such license and whether it considers the proposed location suitable. Each applicant may only be issued twenty-four (24) of any of the following special event licenses within one (1) calendar year. (SDCL 35-4-124)
  - (f) *Special off-sale package malt beverage dealers license.* A special off-sale package malt beverage dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL 35-4-124.1 within the municipality to any civic, charitable, educational, fraternal, or veterans organization.
  - (g) *Special off-sale package dealers license.* A special off-sale package dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL 35-4-124.1 within the municipality to any civic, charitable, educational, fraternal, or veterans organization.

#### **5.46.020 - Special permit for alcoholic beverage consumption on public property.**

- (a) The governing body or finance officer may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four (24) hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, the sale of alcoholic beverages may be permitted on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to Subsection 5.46.010 (3)(e).

- (c) An application fee of ten dollars (\$10.00) shall be submitted with the application for the special permit.
- (d) It is a violation of municipal ordinance for any person to consume distilled spirits in any public place other than upon the premises of an on-sale dealer that is licensed to sell distilled spirits or upon the location set forth in a permit granted by this subsection. For purposes of this section the term, public place, means any place, whether in or out of a building commonly and customarily open to or used by the general public, and any street or highway. It is also a violation of municipal ordinance for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer.

Moved by Bryan Smith, seconded by Mark Robish to approve the 2nd Reading of Ordinance No. 2221-5-130 this 1st day of March, 2021. FOR: Bryan Smith, Doug Kludt, Rich Bragg, Mark Robish, and Gary Harrington. CARRIED.

**Gary Harrington, Mayor**

**Attest: Pullynn Carey, Finance Director**